THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12661 of 2007

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the order passed by the first respondent in Memo No.5896/Ser.IV/A1/2007 dated 11.6.2007 as arbitrary and illegal.

Under the impugned order dated 11.6.2007, the petitioner who is the Senior Scientist (CAS) (Agro) working at RARS, Lam is transferred and posted as Senior Scientist (CAS) (Agro), SPF, Jangameswarapuram in the existing vacancy. It is stated in the impugned order that the post of Scientist is deemed to have been upgraded to that of Senior Scientist as long as he continues in that post and he will act as Head of the SPF, Jangameswarapuram. Aggrieved by the said order, petitioner filed the present writ petition stating that transfer from RARS, Lam to Jangameswarapuram is illegal and his health does not permit him to join at Jangameswarapuram.

Heard both sides.

I am of the view that transfer is an incidence of service and unless and until it is shown that the respondent lacks jurisdiction in passing the impugned order or any malafides are attributed to him, this Court cannot interfere with the impugned order, which is made on administrative grounds.

This Court, while admitting the writ petition on 18.6.2007, granted interim suspension of the impugned order, provided the petitioner has not been relieved as on that date i.e. 18.6.2007.

The respondents filed counter and vacate stay petition stating that as soon as impugned order was passed, petitioner went on

medical leave and filed the present writ petition.

In the facts and circumstances of the case, I deem it appropriate to direct the petitioner to make a detailed representation in this regard to the first respondent within a period of four weeks from today. On filing such representation, the first respondent shall consider the same and pass appropriate orders, as per law. Till such time, status quo as on today shall continue.

The writ petition is accordingly disposed of. No order as to costs.

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C.V.RAMULU,
J

Date: 1.10.2007

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12661 of 2007

1.10.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.12661 of 2007

Date: 1st October, 2007

Between:

Dr.Md.Muzeeb Khan

.. Petitioner

And

A.N.G.R. Agriculture University,
represented by its Registrar,
Rajendranagar, Hyderabad & another.

.. Respondents